

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY KOOPMANN, TIMOTHY KIDD and
VICTOR PIRNIK, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V.,
FCA US LLC, SERGIO MARCHIONNE,
SCOTT KUNSELMAN, MICHAEL DAHL,
STEVE MAZURE, and ROBERT E. LEE,

Defendants.

No. 15 Civ. 7199 (JMF)

**DECLARATION OF JOSHUA S. LEVY IN OPPOSITION
TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Joshua S. Levy, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of this Court and am associated with the law firm of Sullivan & Cromwell LLP, counsel for Defendants in the above-captioned action.
2. I respectfully submit this Declaration to provide the Court with certain materials cited in Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification.
3. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of Paul A. Gompers, Ph.D., dated February 13, 2018.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the transcript of the deposition of Zachary Nye, Ph.D., dated February 2, 2018.

5. Attached hereto as Exhibit 3 is a true and correct copy of a press release issued by the National Highway Traffic Safety Administration (“NHTSA”) titled *U.S. DOT Announces Fiat Chrysler Public Hearing and Issues Special Order*, dated May 18, 2015, bearing production numbers FCA-PIRNIK-000993751 to FCA-PIRNIK-000993752.

6. Attached hereto as Exhibit 4 is a true and correct copy of a *Wall Street Journal* article titled *Regulators Step Up Pressure on Chrysler Over Recalls*, dated May 18, 2015, which is also available at <https://www.wsj.com/articles/regulators-probing-fiat-chrysler-recall-performance-1431971186>.

7. Attached hereto as Exhibit 5 is a true and correct copy of a *New York Times* article titled *Regulators to Hold Hearing on Fiat Chrysler Safety Response*, dated May 18, 2015, which is also available at <https://nyti.ms/1dfLM9w>.

8. Attached hereto as Exhibit 6 is a true and correct copy of a *USA Today* article titled *Feds order Fiat Chrysler to defend pace of 20 recalls*, dated May 18, 2015, which is also available at <https://www.usatoday.com/story/money/cars/2015/05/18/nhtsa-fiat-chrysler-fca-dot-recall-repairs-hearling/27535245/>.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the transcript of a public hearing held by NHTSA titled *Public Hearing to Determine Whether Fiat Chrysler Has Reasonably Met Its Obligations to Remedy Recalled Vehicles and To Notify NHTSA, Owners, and Purchasers of Recalls*, dated July 2, 2015, which is also available at <https://www.autosafety.org/wp-content/uploads/2015/07/Transcript-FCA-Hearing-2.pdf>.

10. Attached hereto as Exhibit 8 is a true and correct copy of a *New York Times* article titled *Fiat Chrysler Accused of Neglect in 23 Recalls*, dated July 2, 2015, which is also available at <https://www.nytimes.com/2015/07/03/business/fiat-chrysler-accused-of-neglect-in-23-recalls.html>.

11. Attached hereto as Exhibit 9 is a true and correct copy of an analyst report by *Morningstar Equity Research* titled *FCA May Face NHTSA Fines for Dilatory Recall Practices; EUR 20 Fair Value Estimate Unchanged*, dated July 7, 2015.

12. Attached hereto as Exhibit 10 is a true and correct copy of a *Detroit News* article titled *Feds not done probing Fiat Chrysler's recall efforts*, dated July 21, 2015, which is also available at <http://www.detroitnews.com/story/business/autos/chrysler/2015/07/21/feds-done-probing-fiat-chryslers-recall-efforts/30437677/>.

13. Attached hereto as Exhibit 11 is a true and correct copy of an *IHS Global Insight* article titled *US safety regulator likely to impose penalties on FCA over recall handling*, dated July 3, 2015.

14. Attached hereto as Exhibit 12 is a true and correct copy of *Detroit News* article titled *US plans to penalize Fiat Chrysler over delayed recalls*, dated July 2, 2015, which is also available at <http://www.detroitnews.com/story/business/autos/chrysler/2015/07/02/fiat-chrysler-nhtsa-hearing/29620337/>.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Consent Order between FCA US LLC ("FCA US") and NHTSA, dated July 24, 2015.

16. Attached hereto as Exhibit 14 is a true and correct copy of a press release issued by FCA US titled *FCA US Announces Kunselman Retirement*, dated October 27, 2015, which is also available at <http://media.fcanorthamerica.com/print.do?id=17071>.

17. Attached hereto as Exhibit 15 is a true and correct copy of an *IHS Global Insight* article titled *FCA's senior quality executive to retire, company recalls Ram and Cherokee*, dated October 28, 2015.

18. Attached hereto as Exhibit 16 is a true and correct copy of a *Wall Street Journal* article titled *Fiat Chrysler Safety Chief to Retire*, dated October 27, 2015, which is also available at <https://www.wsj.com/articles/fiat-chrysler-safety-chief-to-retire-1445961406>.

19. Attached hereto as Exhibit 17 is a true and correct copy of a *St. Louis Post-Dispatch* article titled *Fiat Chrysler to pay \$70 million fine to U.S. government*, dated December 10, 2015, which is also available at http://www.stltoday.com/business/local/fiat-chrysler-to-pay-million-fine-to-u-s-government/article_dad6265d-1402-5ea5-a921-c8c7fd7564ee.html.

20. Attached hereto as Exhibit 18 is a true and correct copy of a *Washington Post* article titled *Fiat Chrysler hit with \$70 million federal fine for safety reporting failures*, dated December 10, 2015, which is also available at https://www.washingtonpost.com/local/trafficandcommuting/fiat-chrysler-hit-with-70-million-federal-fine-for-safety-reporting-failures/2015/12/10/0eb1864c-9f55-11e5-a3c5-c77f2cc5a43c_story.html?utm_term=.f7acf8087a4b.

21. Attached hereto as Exhibit 19 is a true and correct copy of a *Wall Street Journal* article titled *U.S. Fines Fiat Chrysler \$70 Million for Safety-Reporting Lapses*, dated December 10, 2015, which is also available at <https://www.wsj.com/articles/u-s-fines-fiat-chrysler-70-million-for-safety-reporting-lapses-1449764405>.

22. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of Fiat Chrysler Automobiles N.V.'s filing with the Securities and Exchange Commission on Form 6-K, dated August 4, 2016.

23. Attached hereto as Exhibit 21 is a true and correct copy of a press release issued by the Environmental Protection Agency titled *United States Files Complaint Against Fiat Chrysler Automobiles for Alleged Clean Air Act Violation*, dated May 23, 2017, which is also available at <https://www.epa.gov/newsreleases/united-states-files-complaint-against-fiat-chrysler-automobiles-alleged-clean-air-act>.

24. Attached hereto as Exhibit 22 are true and correct copies of documents produced by Plaintiffs in this action on February 9, 2018, bearing production numbers Koopmann0022 to Koopmann0023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of February 2018 in New York, New York.

/s/ Joshua S. Levy
Joshua S. Levy